

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 6:00-cr-054-LED-JDL
§
TODD MICHAEL DEMENT §

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On October 15, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by Mary Ann Cozby, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Bobby Mims.

On June 7, 2001, Defendant was sentenced before U.S. District Judge T. John Ward after pleading guilty to the offense of Transporting Material Involving the Sexual Exploitation of Minors in Interstate Commerce, a Class C felony. This offense carried a statutory maximum imprisonment term of 15 years. The United States Sentencing Guideline range, based on a total offense level of 22 and a criminal history category of III, was 51 to 63 months. Defendant was sentenced to 60 months imprisonment and 3 years supervised release, plus special conditions, including in pertinent part: 1) participation in a program of testing and treatment for drug abuse and alcohol abuse as directed by the probation officer, until such time as the defendant is released from the program, with the requirement that Defendant submit to a drug test within 15 days of release; 2) participation in a sex offender treatment program; and 3) Defendant shall not have access to the Internet. On July 31, 2013 U.S. District Judge Leonard Davis modified the conditions of supervised release to include a special condition that the defendant shall abstain from the use of intoxicants, including alcohol, during the term of supervised release, unless

prescribed by a physician. On June 14, 2013, Defendant completed the term of imprisonment and began his period of supervised release.

In its petition, the government alleges that Defendant violated the terms of supervised release when he: 1) had contact with a person convicted of a felony without permission from the probation officer on or about June 2013, October 2013, and June 2014; 2) accessed the Internet on or about August 2013 and August 2014; 3) submitted to an alcohol test and registered 0.40 on a breathalyzer; 4) consumed alcohol on or about August 23, 2013, September 14, 2013, and October 1, 2014; and 5) failed to attend a sex offender group meeting and sex offender individual meeting on October 2, 2014. Therefore, should the Court find by a preponderance of the evidence that Defendant violated the terms of his supervised release, Defendant will be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may: 1) revoke probation or supervised release; or 2) extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 Months. U.S.S.G. § 7B1.4(a).

At the October 15, 2014 hearing, Defendant pled true to the allegations above. The government recommended that Defendant Todd Michael Dement be committed to the custody of the Bureau of Prisons for 6 Months imprisonment with 2 years of supervised release to follow. The government further recommended that Defendant serve the first 6 months of supervised release in a halfway house.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Todd Michael Dement be committed to the custody of the Bureau of Prisons for 6

months, with 2 years of supervised release (the first 6 months of which to be served in a halfway house) to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 16th day of October, 2014.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE